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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 KATHLEEN D. SNELLING,

10 Plaintiff,

11 v.

12 COMMISSIONER OF SOCIAL
13 SECURITY,

14 Defendant.

Case No. C19-5167 RSL

ORDER DENYING APPLICATION
TO PROCEED IN FORMA
PAUPERIS

15 Plaintiff Kathleen Snelling applies to proceed *in forma pauperis* for an action
16 seeking judicial review of the administrative decision denying Plaintiff's application for
17 Social Security benefits. Dkt. 1. For the reasons discussed below, the Court DENIES
18 Plaintiff's application.

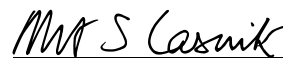
19 The district court may permit indigent litigants to proceed *in forma pauperis* upon
20 completion of a proper affidavit of indigence. See 28 U.S.C. § 1915(a). "To qualify for
21 *in forma pauperis* status, a civil litigant must demonstrate both that the litigant is unable
22 to pay court fees and that the claims he or she seeks to pursue are not frivolous."
23 Ogunsalu v. Nair, 117 F. App'x 522, 523 (9th Cir. 2004), cert. denied, 544 U.S. 1051
(2005). To meet the first prong of this test, a litigant must show that he or she "cannot

1 because of his [or her] poverty pay or give security for the costs and still be able to
2 provide himself [or herself] and dependents with the necessities of life.” Adkins v. E.I.
3 DuPont de Nemours & Co., 335 U.S. 331, 339 (1948) (internal alterations omitted).

4 Plaintiff has not shown that she is unable to pay the full filing fee to proceed with
5 this lawsuit. Her reported household income is nearly \$6,000 per month. *See* Dkt. 1 at 1.
6 Although she reports monthly expenses that exceed this amount, the Court does not find
7 this adequate to establish the type of poverty *in forma pauperis* status is intended to
8 address. The court therefore finds that Plaintiff has failed to demonstrate that she “cannot
9 because of [her] poverty pay or give security for the costs and still be able to provide
10 [herself] . . . with the necessities of life.” *See Adkins*, 335 U.S. at 339 (internal
11 alterations omitted). Plaintiff may reapply to proceed *in forma pauperis* if her
12 circumstances change.
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14 Accordingly, the Court DENIES Plaintiff’s application to proceed *in forma*
15 *pauperis* (Dkt. 1) WITHOUT PREJUDICE. Plaintiff has 30 days from the date of this
16 order to pay the full \$400.00 filing fee or reapply to proceed *in forma pauperis* based
17 upon changed circumstances. If the Court does not receive the filing fee or a new
18 application within 30 days, the Court will dismiss this action WITHOUT PREJUDICE.
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20 DATED this 21st day of March, 2019.

21 
22 ROBERT S. LASNIK
23 United States District Judge